

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Request For Expeditious Review of the Transfer of the
Lockheed Martin Communications Industry Services Business

CC Docket No. 92-237

NSD File No. 98-151

COMMENTS OF SBC COMMUNICATIONS INC.

In accordance with the January 7, 1999 Public Notice in the above-referenced matter,¹

SBC Communications Inc. submits the following issues and questions to be addressed to

Lockheed Martin IMS Corporation and Warburg, Pincus & Co:

1. The "Neutrality Criteria" set forth in the FCC regulations and the North American Numbering Plan Administration ("NANPA") Requirements Document requires, at a minimum, that any entity selected to serve as the NANPA may not be "affiliated" with any "telecommunications carrier" (as the latter term is defined in the Telecommunications Act of 1996).² The definition of affiliation is set forth with specificity in Rule 52.12(a)(1) and Section 1.2(a) of the Requirements Document as being an interest of 10% or greater. The Neutrality Criteria does not depend on whether the controlled telecommunications carrier actively uses NANP resources, and it equally applies to direct and indirect control and active and passive interests. If the transfer of CIS to Warburg is approved, and Warburg is required to comply strictly with the terms and provisions of the Neutrality Criteria, what actions beyond those stated in Lockheed's December 21, 1998 filing³ would Warburg take to bring its current interests in telecommunications carriers into compliance with the Neutrality Criteria? What steps beyond those stated in that filing would the Warburg CIS take to ensure its continued compliance with the Neutrality Criteria?

2. The NANPA Neutrality Criteria further require that NANPA must not be "subject to any undue influence by parties with a vested interest in the outcome of

¹ Public Notice, at 5 (released Jan. 7, 1999).

² 47 C.F.R. § 52.12(a)(1); North American Numbering Council (NANC) North American Numbering Plan (NANP) Administration Requirements Document (Feb. 20, 1997) ("NANPA Requirements Doc") <<http://www.fcc.gov/ccb/Nanc/frp0220.doc>>

³ See Request for Expeditious Review of the Transfer of the Lockheed Martin Communications Industry Services Business, at 14-19 (filed Dec. 21, 1998).

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numbering administration activities." See 47 C.F.R. 52.12(a)(3); NANPA Requirements Doc., § 1.2(c). Given the historic ties and relationship between CIS and Lockheed, including CIS personnel, why would the proposed 5% Lockheed interest in the Warburg CIS not violate this standard?

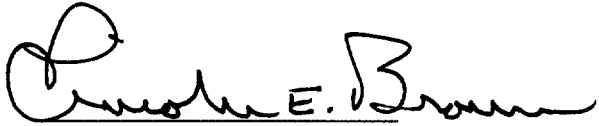
3. The "Master Agreements" between Lockheed and the regional Local Number Portability Limited Liability Corporations ("LLCs") require that Lockheed be a "Neutral Third Party", permitting termination if Lockheed ceases to be a Neutral Third Party. A Neutral Third Party is defined in some instances to prohibit Lockheed from being a telecommunications carrier, or owning more than a 5% ownership interest in any telecommunications carrier. If Warburg is required to comply strictly with the terms and provisions of the Master Agreements, what actions beyond those stated in Lockheed's December 21, 1998 filing would Warburg take to bring its current interests in telecommunications carriers into compliance with these agreements? What steps would the Warburg CIS take to ensure its continued compliance with its obligation to remain a "Neutral Third Party"?

4. As NANPA has assumed responsibility for number administration activities in accordance with the FCC's schedule, a number of disputes have arisen between Lockheed and the industry regarding the activities that should be considered to be part of NANPA responsibilities. In some instances, Lockheed has disputed that it must perform numbering administration functions performed by predecessor numbering administrators in their role as central office code administrators, including, but not limited to, refusing to facilitate industry meetings regarding implementation of area code relief plans, and refusing to issue all necessary notices and press releases for area code planning meetings of the industry, local jurisdictions, and the public. If Warburg is permitted to acquire CIS, will the Warburg CIS commit to perform all of the functions performed by predecessor numbering administrators in their role as central office code administrators?

5. The industry has been and will be forced to bear substantial expenses reviewing and considering Lockheed's proposed transfer of CIS to Warburg. If Warburg's acquisition of CIS is approved, and Warburg for any reason sells CIS, transfers or assigns its NANPA obligations in whole or in part, or otherwise does fails to fulfill the remainder of the term set forth in 47 C.F.R. § 52.12(b), is Warburg willing to commit to reimburse the industry for the costs associated with the transition of NANPA responsibilities?

Respectfully submitted,

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By: 

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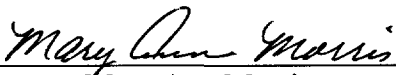
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January 22, 1999.

Certificate of Service

I, Mary Ann Morris, hereby certify that the foregoing "Comments of SBC Communications, Inc." in CC Docket No. 92-237, NSD File No 98-151 has been served on January 22, 1999 to the Parties of Record.



Mary Ann Morris

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